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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/822,764

04/13/2004

Wataru Sugiura

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7590

07/28/2006

POSZ LAW GROUP, PLC  
12040 SOUTH LAKES DRIVE  
SUITE 101  
RESTON, VA 20191

EXAMINER

NGUYEN, CUONG H

ART UNIT

PAPER NUMBER

3661

DATE MAILED: 07/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/822,764

Applicant(s)

SUGIURA, WATARU

Examiner

CUONG H. NGUYEN

Art Unit

3661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 9/07/04, 12/27/05, 4/13/04
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. This is the answer for a communication filed on 4/13/04. Claims 1-9 are pending.

#### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office Action:

*(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.*

2. **Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sporgis (US Pat. 6,320,495).**

A. As per independent claims 1, and 5-6: These claims are directed to a system with physical components. Sporgis teaches a navigational system (see Sporgis, Fig.1), comprising:

- a guiding means for providing route guidance to a preset location (see Sporgis, Fig.1, GPS RECEIVER 11);
- an arrival determining means for determining an arrival at a guide point that is provided as the preset location in the route guidance by the guiding means (see Sporgis, Fig.2, block S5 “IS PLAYER AT FINAL DESTINATION?” – YES?/NO?).

Sporgis does not disclose about scoring and storing points in his competition/game.

However, the examiner submits that on every game/competition – there is a standard for calculating who wins by scoring means (using a preset time limit, without this scoring feature, there is no knowledge of who would be a winner).

It would have been obvious to one of ordinary skill in the art at the time of invention to explicitly mention a scoring means for scoring points based on the determination performed by

Art Unit: 3661

the arrival determining means and storing the score in the teaching of Sporgis for the advantage of knowing a winner of the game as Sporgis suggested in col. 2, lines 22-31.

B. As for dependent claims 2-4: Sporgis suggests of showing a direction/distance to a preset location (see Sporgis, Fig.1, GPS RECEIVER 11, and Fig.2 block S8 “BASED ON PLAYER LOCATION, AND OTHER VARIABLES, GAMEMASTER TRANSMITS ADDITIONAL CLUES TO PLAYERS” – when a distance is achieved, and a current position is known thru. Satellite, a digital clock from computer 12 would mark “an arrival”).

**3. Claims 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sporgis (US Pat. 6,320,495), in view of Petzold et al. (US 2003/0225508 A9)**

A. As for dependent claim 7: The examiner respectfully submits that it is a commonly understanding, and a well-known practice that in a game/competition: “a scoring means” scores points based on time per achieved distance (that has been a preset standard).

B. As for dependent claims 8-9: Sporgis suggests claim 8’s feature of “preset location” and “a line” from that location in Fig. 3, and col.3 lines 9-12, “The players’ GPS receivers (11) receive navigation data from GPS satellites (13) and determine player locations. Player locations are transmitted back to the game master by the players’ wireless communication devices (14). The game master determines the next clue to be given to a particular player based upon the player’s location as well as other variables, such as the number of clues the player has correctly answered and the position of the other players. That next clue is then transmitted to the player (15) and displayed on the player’s wireless communication device.”

In addition to Sporgis’ suggestion, Petzold et al. show guidance by highlighting and marker on a vehicle electronic map (see Petzold et al., Figs.4-5, and paragraph [0025]).

It would have been obvious to one of ordinary skill in the art at the time of invention to combine the teachings of Sporgis and Petzold et al. to suggest that a guiding means displays the preset locations and lines that connect the preset locations on a continual basis; and the guiding means indicates the line that connects the previous guide point and the current guide point differently from the other lines, as a hint of a navigation system to a player because these are clear guidance provided to all GPS equipped vehicle.

### ***Conclusion***

4. Claims 1-9 are not patentable.

5. Note: Independent claim 1 recites: "a scoring means for scoring points based on the determination performed by the arrival determining means and storing the score." – *there is no clear support for "a scoring means" that was claimed in the specification.*

*The applicant admits that "a navigation system" is not new at the time of invention; however, adding a scoring means to that system is an inventive concept. The examiner disagrees: scoring for records for awarding purposes have been well-known in many field (e.g., awarding truck drivers if they delivers packages on or before delivery time – this is what applicant claims because in order to make award, a scoring standard inherently included), because using a scoring means in (even in searching, or "predict weather in broadcasting") has been old by using a clock to record an arrival time then easy to recognize a travel duration; therefore, it is obvious to add that feature for scoring achieved features such as in a navigation system (see the specification, "[0004] The determination is not much different from that of an arrival at a way point or a destination performed during navigation. Namely, it has neither game value nor a guidance function to a point specified by a user. The known navigation systems have*

Art Unit: 3661

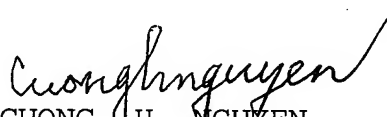
a function for setting a hotel or an amusement park as a destination (way point) and guiding a driver to the destination. However, they **lack of entertainment value and game value.**") *The motivation is merely a challenge data (by comparing to another reference for an achieved level). Secondly, according to the spec. means-plus-functions (as in pending claims) are represented by a computer program (containing computer codes), however, this program is not disclosed knowing that this program is essential to practice this invention "[0039] When the rally game program is started, the program sets a score variable in the RAM and initializes the score variable by setting it to zero. The **program** also sets a next way point variable in the RAM and sets the way point variable to the furthest way point. Then, it executes a guidance routine shown in flowcharts of FIGS. 3 and 4. In this guidance routine, route guidance to the way point, which is a preset location, is displayed (S210). There are three patterns of the guidance display."*

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CUONG H. NGUYEN whose telephone number is 571-272-6759. The examiner can normally be reached on 9:30 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, THOMAS G. BLACK can be reached on 571-272-6956. The Rightfax number for the organization where this application is assigned is 571-273-6956.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Please provide support, with page and line numbers, for any amended or new claim in an effort to help advance prosecution; otherwise any new claim language that is introduced in an amended or new claim may be considered as new matter, especially if the Application is a Jumbo Application.

  
CUONG H. NGUYEN  
Primary Examiner  
Art Unit 3661